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SOMSANOUK PHENGPHANH

**FILED**

AUG 29 2006

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY                       
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR S-04-350-LKK
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER TO EXTEND
v.	)	VOLUNTARY SURRENDER DATE
	)	
SOMSANOUK PHENGPHANH,	)	
	)	
Defendant.	)	
	)	
	)	

It is hereby stipulated and agreed to between the United States of America through Carolyn Delaney, Assistant U.S. Attorney, and the defendant by and through his counsel, Mary French, Supervising Assistant Federal Defender, that the surrender date of Tuesday, August 29, 2006, be continued to Tuesday, September 12, 2006, no later than 2:00 p.m.

Mr. Phengphang was sentenced to 60 days incarceration on July 18, 2006. Judgment was entered on July 28, 2006. The Bureau of Prisons designated Mr. Phengphang late in the day on August 14, 2006, after a

1 Stipulation and Order had already been signed extending his voluntary  
2 surrender date to August 29, 2006 at 2:00 p.m.

3 On August 28, 2006, Mr. Phengphanh traveled from his home in  
4 Stockton to the California City Correctional Institution in California  
5 City, California, the facility where he had been designated, to self-  
6 surrender (one day early). However, when Mr. Phengphanh arrived at the  
7 California City Correctional Institution, he was told that, based on  
8 his medical condition, his designation had been "canceled" by the  
9 Bureau of Prisons and the facility could not accept him. Undersigned  
10 counsel has verified that the Bureau of Prisons did in fact "cancel"  
11 Mr. Phengphanh's designation; however, it forgot to inform Mr.  
12 Phengphanh, the U.S. Marshal's Office, or defense counsel of the change  
13 in designation plans.

14 From several phone calls to the Designation and Sentence  
15 Computation Center in Texas, it appears that the Bureau of Prisons is  
16 in the process of re-designating Mr. Phengphanh to a correctional  
17 institution where Mr. Phengphanh's medical needs can best be met.

18 One again, because Mr. Phengphanh is a kidney transplant patient,  
19 and requires on-going medical attention, it would be preferable for Mr.  
20 Phengphanh to self-surrender directly to the designated Bureau of  
21 Prisons facility where his medical needs can be attended to immediately  
22 upon arrival.

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27  
28 Stipulation and Order re  
Voluntary Surrender Date

1 The Office of the Federal Defender has been in contact with United  
2 States Assistant Attorney Carolyn Delaney, and she has no objections to  
3 continuing this defendant's self-surrender date for two weeks.

4 Dated: August 29, 2006

5 Respectfully submitted,

6 DANIEL J. BRODERICK  
7 Federal Defender

8 /s/ Mary M. French

9 MARY M. FRENCH  
10 Assistant Federal Defender  
11 Attorney for Defendant  
12 SOMSANOUK PHENGPHANH

13 Dated: August 29, 2006

14 MCGREGOR W. SCOTT  
15 United States Attorney


16 /s/ Mary M. French for  
17 Carolyn Delaney

18 CAROLYN DELANEY  
19 Assistant U.S. Attorney  
20 per telephonic authorization

21 ORDER

22 IT IS SO ORDERED.

23 Dated: August 29, 2006

24   
25 LAWRENCE K. KARLTON  
26 United States District Court Judge  
27  
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Stipulation and Order re  
Voluntary Surrender Date